

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory D. Lundquist, Jr. *et al.*
Serial No.: 10/595,792
Confirmation No.: 6750
Filed: May 11, 2006
For: OXIME SUBSTITUTED IMIDAZO RING COMPOUNDS
Examiner: D. Margaret M. Seaman
Art Unit: 1625

DECLARATION OF DAVID T. AMOS UNDER 37 C.F.R. § 1.132

I, David T. Amos, declare that:

1. I am an inventor of the subject matter disclosed and claimed in U.S. Patent Application, Serial No. 10/595,792, filed May 11, 2006, entitled "OXIME SUBSTITUTED IMIDAZO RING COMPOUNDS" (the '792 application).

2. This Declaration is presented for the purpose of removing from consideration by the Examiner published PCT application, WO 2005/018556, filed August 12, 2004, and published March 3, 2005 (the '556 publication). The present Declaration is presented in accordance with *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982), and establishes that the allegedly anticipatory material in the '556 publication was not invented by another.

3. Tushar A. Kshirsagar, Gregory D. Lundquist, Jr., Joseph F. Dellaria, Jr., Bernhard M. Zimmermann, Philip D. Heppner and I are the inventors on the instant '792 application.

4. Joseph F. Dellaria, Jr., Scott E. Langer, Bernhard M. Zimmermann, Philip D. Heppner, Tushar A. Kshirsagar, and I are the inventors on the '556 publication.

5. Scott E. Langer is a co-inventor on the '556 publication but is not an inventor of the claimed invention in the '792 application.

6. Scott E. Langer did not contribute to the invention claimed in the '792 application.

7. I, David T. Amos, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under §1001 of Title 18 of the U.S.C. and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.

Dated: April 8, 2010



David T. Amos